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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JULIO CESAR SANCHEZ,

Plaintiff,

vs.

DALLAS ANDRUSS et al.,

Defendants.

No. C 10-03213-MMC

STIPULATION TO CONTINUE
HEARING ON DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT, TO EXTEND TIME
FOR RESPONSE, REPLY AND
SETTLEMENT CONFERENCE

The parties, through their counsel of record, have met and conferred. In the interests of justice and judicial economy the parties have stipulated that the hearing on the Motion for Summary Judgment should be continued to **March 15, 2013**, that the response to the Motion for Summary Judgment should be due **February 22, 2013**, and that the Reply should be due **March 1, 2013**. The parties stipulate to this schedule because counsel for plaintiff was sick for a few weeks in December because it appears he took on a waterborne bacteria or other contaminant while surfing, counsel for plaintiff is starting a complex trial starting on February 5, 2013, in district court in Los Angeles, counsel for plaintiff is starting another civil rights trial starting on February 26, 2013, in district court in Los Angeles. In addition, it has been difficult for counsel for plaintiff to speak with his client because of prison disturbances; he has spoken with his client but will not have time to transmit declarations back and forth to his client in time to file a response to the

1 Motion for Summary Judgment, despite the fact that he immediately sent the
 2 motion papers to his client. Also, counsel for plaintiff is seeking permission to
 3 depose defendant Andruss in a separate filing. Additionally, there is a distinct
 4 possibility that the parties can agree to narrow down the issues presented in the
 5 Motion for Summary Judgment if additional time is afforded counsel for plaintiff
 6 to review the motion and discuss it with the plaintiff. Thus, the parties stipulate to
 7 the continuance of the Motion for Summary Judgment hearing date and the filing
 8 dates for the response and the reply, in addition to the date for the settlement
 9 conference until a time after the issuance of the ruling on the defense summary
 10 judgment motion.

11 Thus, the parties stipulate to the continuance of the hearing on the Motion
 12 for Summary Judgment, now set for February 22, 2013, to March 15, 2013.

13 **IT IS SO STIPULATED.**

14
 15 Dated: January 25, 2013

/s/ by Jeff Price by permission
 16 Julianne Mossler
 17 Deputy Attorney General for Defendants

18 Dated: January 25, 2013

/s/ Jeff Price
 19 Jeff Price
 20 Attorney for Plaintiff Sanchez

21 PURSUANT TO General Order 45, § 10(B), counsel for plaintiff hereby attests
 22 that Ms. Mossler gave permission to electronically sign this stipulation on her
 23 behalf.

24 **IT IS SO ORDERED**

25
 26 Dated: January 29, 2013


 27 United States Judge Maxine M. Chesney
 28